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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,193	10/30/2003	Howard Acum	NOR-1146	2204
37172	7590	06/17/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP (NORDSON) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			NICOLAS, FREDERICK C	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,193	Applicant(s) ACUM ET AL.	
	Examiner Frederick C. Nicolas	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 26, 28-31 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 16-21, 27 and 32-37 is/are objected to.
- 8) ☒ Claim(s) 1-7 and 14-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/04&2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-7, 14-40 in the reply filed on 4/20/2005 is acknowledged.

Claim Objections

2. Claim 4 is objected to because of the following informalities: in claim 4, line 4, "cap" should be --the cap--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

I- As to claim 1, lines 12-14, it is unclear by what is meant by "the nozzle comprising a bore receiving the needle and a distal end extending beyond other structure of the applicator". Is it the distal end of the body or is it the distal end of the nozzle? Please clarify!; line 15, "the distal end of the nozzle" lacks antecedent basis in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3,5,14-15,26,28-31,38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bievenue et al. 6,170,760.

Bievenue et al. disclose an applicator for dispensing a coating material onto a substrate (col. 1, ll. 4-7), which comprises a body (44) having a distal end, a liquid flow passage having a liquid inlet (58) adapted to receive the coating material (30), a fluid passage having a fluid inlet (80) adapted to receive a pressurized fluid, a needle (50) extending through the liquid flow passage, a needle guide (74,76) disposed near the distal end of the body and having inner surfaces that receive, align and laterally support the needle, a nozzle (57) disposed at the distal end of the body, the nozzle comprising a bore (71) receiving the needle and a distal end extending beyond other structure of the applicator as seen in Figure 1, a seat (56) disposed at the distal end of the nozzle, a dispensing orifice extending through the seat, one end of the needle being movable into contact with the seat and through the dispensing orifice to terminate a flow of the coating material through the dispensing orifice and eliminate any coating material flow path downstream of the seat (col. 3, ll. 43-51), a cap (78) disposed around the nozzle comprising a proximal end removably mounted to the body, and a distal end, a fluid path formed between the nozzle and the cap and contiguous with the fluid passage (col. 4, ll. 47-62), the fluid path having a fluid outlet (204) at the distal end of the cap, an extension (120) comprising a longitudinal throughbore contiguous with the liquid flow passage and receiving the needle therethrough.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bievenue et al. 6,170,760 in view of Byerly et al. 6,056,155.

Bievenue et al. disclose an applicator for dispensing a coating material onto a substrate (col. 1, ll. 4-7), which comprises a body (44) having a distal end, a liquid flow passage having a liquid inlet (58) adapted to receive the coating material (30), a fluid passage having a fluid inlet (80) adapted to receive a pressurized fluid, a needle (50) extending through the liquid flow passage, a nozzle (57) disposed at the distal end of the body, the nozzle comprising a bore (71) receiving the needle and a distal end extending beyond other structure of the applicator as seen in Figure 1, a seat (56) disposed at the distal end of the nozzle, a dispensing orifice extending through the seat, one end of the needle being movable into contact with the seat and through the dispensing orifice to terminate a flow of the coating material through the dispensing orifice and eliminate any coating material flow path downstream of the seat (col. 3, ll. 43-51), a cap (78) disposed around the nozzle comprising a proximal end removably mounted to the body, and a distal end, a fluid path formed between the nozzle and the cap and contiguous with the fluid passage (col. 4, ll. 47-62), the fluid path having a fluid outlet (204) at the distal end of the cap, an extension (120) comprising a longitudinal

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throughbore contiguous with the liquid flow passage and receiving the needle therethrough. Bievenue et al. lack that a needle guide disposed near the distal end of the body. Byerly et al. teach the use of an applicator (10) for dispensing a coating material having a body (12), a dispensing nozzle (14), a needle (16), a needle guide (18,20), where the needle guide is disposed near the distal end of the body and having inner surfaces that receive, align and laterally support the needle (col. 4, ll. 25-30).

It would have been obvious to one having ordinary skill in the art at the times the invention was made to provide the needle guide of Byerly et al. at the distal end of the body of Bievenue et al. as taught by Byerly et al. in (col. 4, ll. 25-30 and in Figures 2 and 9), in order to inhibit sideward movement of the needle at the dispensing end.

9. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bievenue et al. 6,170,760 in view of Smith et al. 5,747,102.

Bievenue et al. have taught all the features of the claimed invention except that the tapered portion of the nozzle having an outer surface polished smooth and coated with material that inhibits an accumulation and adhesion of the coating material. Smith et al. teach the use of a nozzle (616) being coated with material that inhibits an accumulation and adhesion of the coating material (col. 20, ll. 61-67), further, it is inherent that the nozzle outer surface of Smith is being smooth in as much as the applicants claimed invention.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Smith et al. onto the nozzle of Bievenue et al. by applying the coating material onto the nozzle as taught by Smith et al. in (col. 20,

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II. 61-67), in order to improve fluid flow through the nozzle and to reduce the amount of fluid which clings on the surface end of the nozzle.

Allowable Subject Matter

10. Claim 23 is allowed.

11. Claims 16-21,27,32-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weston 5,782,410, Garlick et al. 5,607,108, Krautzberger 2,149,181, Lusk 1,779,849, Sausen et al. 1,633,291 and Fritz 5,639,027 disclose other types of applicator for dispensing a coating material.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
May 31, 2005



Frederick C. Nicolas
Patent Examiner
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